

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David O. Marshall Sr.
Debtor(s)

Bankruptcy Case No.: 17-22229-GLT
Issued Per 8/12/2021 Proceeding
Chapter: 13
Docket No.: 135 – 115
Concil. Conf.: August 12, 2021 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 26, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,306.00 as of August, 2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Aug. 12, 2021 at 10:30 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: (1) Allegheny County Claim No. 2 governs with remaining balance representing 18–19 taxes.

(2) The following PPFN(s) will be paid under Plan after objection deadline has passed if no objection filed and sustained. To extent objection filed and sustained amount will be added to unsecured pot: Visio Financial Claim No. 9 of \$146.00

(3) Peoples gas to be paid per 6/12/2019 order (Doc. No. 47)

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

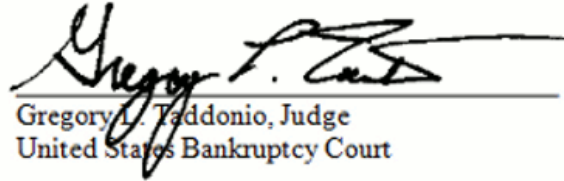
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: August 13, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
David O. Marshall, Sr.
Debtor

Case No. 17-22229-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Aug 13, 2021

User: dbas
Form ID: 149

Page 1 of 3
Total Noticed: 35

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 15, 2021:

Recip ID	Recipient Name and Address
db	+ David O. Marshall, Sr., 944 Lilly Lane, Pittsburgh, PA 15221-3912
cr	+ County of Allegheny, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
cr	+ Woodland Hills School District, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
14635119	+ ACE Property Group, 262 East Gate Drive, PMB 266, Aiken, SC 29803-7698
14649236	+ ACE Property Group, 17792 Moro Road, Salinas, CA 93907-8524
14635120	+ Borough of Munhall, Tax Department, 1900 West Street, Munhall, PA 15120-2561
14635122	CBCS, P.O. Box 2724, Columbus, OH 43216-2724
14635121	+ Carolyn J and Henry D. Smith, 115 N. Beatty Street, Apt. 318, Pittsburgh, PA 15206-3059
14635123	+ Clear Spring, 18451 North Dallas Parkway, Suite 100, Dallas, TX 75287-5209
14659270	+ County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh, PA 15219-6101
14649237	County of Allegheny, c/o Goehring, Rutter & Boehm, 14th Floor, Frick Building, Pittsburgh, PA 15219
14635125	+ FCI Lender Services, Inc., 8190E. Kaiser Blvd., Anaheim, CA 92808-2215
14635126	Grand Vacation Services, LLC, 6335 Metro West Blvd., Suite 180, Orlando, FL 32835
14635127	Honorable Thomas R. Torkowsky, 510 East 6th Avenue, Munhall, PA 15120
14635128	+ Kalmeyer & Kalmeyer, 410 Rodi Road, Pittsburgh, PA 15235-4519
14649239	+ LMS Properties Erie, LLC, P.O. Box 10954, Erie, PA 16514-0954
14649238	+ Legal Tax Service, Inc., 714 Lebanon Road, West Mifflin, PA 15122-1030
14635129	+ Lobos Management Co., P.O. Box 81067, Pittsburgh, PA 15217-0567
14635130	MBank, 17898 SW McEwan Road, Suite 200, Tigard, OR 97224
14635131	Pa-American Water Company, P.O. Box 347412, Pittsburgh, PA 15250-7412
14635132	Pa. Dept. of Labor and Industry, Employer's Charge Section, P.O. Box 67504, Harrisburg, PA 17106-7504
14635133	Peoples Natural Gas Company, P.O. Box 535323, Pittsburgh, PA 15253-5323
15055171	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
14635136	+ Powers, Kim & Associates, LLC, Eight Neshaminy Interplex, Suite 215, Trevose, PA 19053-6980
14635137	Regus, P.O. Box 842456, Dallas, TX 75284-2456
14649241	Shawn Brantley & Julie Wardigo, 35 & 36 Grant Street, Munhall, PA 15120
14649242	+ Visio Financial Services, Inc., 18451 N. Dallas Parkway, Suite 100, Dallas, TX 75287-5209
15137612	+ Visio Financial Services, Inc., c/o BSI Financial Services, 1425 Greenway Drive, #400, Irving, TX 75038-2480
14635138	+ Wilkinsburg-Penn Joint Water Authority, 2200 Robinson Blvd., Pittsburgh, PA 15221-1193
14659271	+ Woodland Hills School District, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh, PA 15219-6101

TOTAL: 30

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14635124	Email/Text: kbarkley@bernsteinlaw.com	Aug 13 2021 23:13:00	Duquesne Light Company, P.O. Box 1930, Pittsburgh, PA 15230-1930
14700650	Email/Text: Bankruptcy.Notices@pnc.com	Aug 13 2021 23:13:00	PNC BANK, N.A., PO BOX 94982, CLEVELAND, OHIO 44101
14635135	Email/Text: Bankruptcy.Notices@pnc.com	Aug 13 2021 23:13:00	PNC Bank, P.O. Box 535230, Pittsburgh, PA 15253-5239
14696872	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Aug 13 2021 23:26:39	Portfolio Recovery Associates, LLC, POB 12914,

District/off: 0315-2

User: dbas

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Date Rcvd: Aug 13, 2021

Form ID: 149

Total Noticed: 35

14643811

Email/Text: RVSVCBICNOTICE1@state.pa.us

Norfolk VA 23541

Aug 13 2021 23:13:00

Pennsylvania Department of Revenue, Bankruptcy
Division PO Box 280946, Harrisburg, PA
17128-0946

TOTAL: 5

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
aud		Julie Wardigo
cr		Julie Wardigo
cr		Visio Financial Services, Inc.
cr	*+	Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
14643830	*	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946
14649240	*	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946
14635134	*	Peoples Natural Gas Company, P.O. Box 535323, Pittsburgh, PA 15253-5323

TOTAL: 3 Undeliverable, 4 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 15, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 13, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Visio Financial Services Inc. bnicholas@kmlawgroup.com
Jeffrey R. Hunt	on behalf of Creditor Woodland Hills School District jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor County of Allegheny jhunt@grblaw.com cnoroski@grblaw.com
Maria Miksich	on behalf of Creditor Visio Financial Services Inc. mmiksich@kmlawgroup.com
Michael S. Geisler	on behalf of Plaintiff David O. Marshall Sr. m.s.geisler@att.net, msgeis@yahoo.com;michaelgeisler13@gmail.com;r52973@notify.bestcase.com
Michael S. Geisler	on behalf of Debtor David O. Marshall Sr. m.s.geisler@att.net, msgeis@yahoo.com;michaelgeisler13@gmail.com;r52973@notify.bestcase.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

District/off: 0315-2

User: dbas

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S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 9